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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,625	08/14/2006	Tadashi Marumoto	2006_1039A	9667
513 7590 12/02/2010 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER NAKARANI, DHIRAJLAL S				
ART UNIT 1787		PAPER NUMBER		
NOTIFICATION DATE 12/02/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com

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Office Action Summary

Application No.

10/584,625

Applicant(s)

MARUMOTO, TADASHI

Examiner

D. S. Nakarani

Art Unit

1787

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-5, 7, 9 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al (U. S. Patent Application Publication US 2003/0054160 A1) in view of Fukatani et al (U. S. Patent Application Publication US 2004/0234778 A1) and Coaker et al (U. S. Patent 3,841,890) for the reasons of record set forth in paragraph 3 of the Office Action mailed June 24, 2010 (Paper Number 20100620).
3. Applicant's arguments filed September 21, 2010 have been fully considered but they are not persuasive. In reference to rejection of claims 1, 3-5, 7, 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Fisher et al (U. S. Patent Application Publication US 2003/0054160 A1) in view of Fukatani et al (U. S. Patent Application Publication US 2004/0234778 A1) and Coaker et al (U. S. Patent 3,841,890), applicant essentially argue that the Examiner must resolve the factors described in Graham v. John Deere, which provides the controlling framework for obviousness analysis, before utilizing the rationales that were established in KSR International Co. v. Teleflex Inc. Applicant states that the Examiner has not resolved the Graham factor of ascertaining the differences between the prior art and the claims at issue. Applicant has discussed individually Fisher et al, Fukatani et al and Coaker et al in terms of the Graham factor analysis.

These arguments are unpersuasive because Fisher et al clearly disclose dispersing LaB₆, ITO and/or ATO in plasticizer. Fisher et al also disclose use of plasticizer mixtures disclosed by Coaker et al (Paragraph [0040] of Fisher et al). Fukatani et al disclose use of

phosphate ester compound as dispersion stabilizer for dispersion of ITO, ATO etc. particles in plasticizer to prevent agglomeration and haze. Fukatani et al also disclose phosphate ester plasticizer disclosed by Coaker et al which include claimed phosphate ester compounds. Fukatani et al's disclosure is not limited to the polyphosphate salt used in Examples. Coaker et al teach blend of phosphate ester plasticizer and diester plasticizer for improving compatibility of plasticizer in polyvinyl butyral resins. Therefore, it would have been obvious to a person of ordinary skill in the art to at the time of this invention made to utilize disclosure of Fukatani et al and Coaker et al in the invention of Fisher et al to disperse LaB₆, ITO and/or ATO in a plasticizer mixture containing phosphoric acid ester compound as dispersion stabilizer to prevent haze and for compatibility.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie E. Shosho can be reached on (571) 272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/D. S. Nakarani/
Primary Examiner, Art Unit 1787**

DSN
November 26, 2010.